

PUBLIC HEALTH DEPARTMENT[641]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)“b.”

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of 2009 Iowa Code Supplement section 135A.9, the Department of Public Health hereby gives Notice of Intended Action to adopt new Chapter 186, “Governmental Public Health Advisory Bodies,” Iowa Administrative Code.

The Iowa Public Health Modernization Act was established to modernize the governmental public health system to meet the challenges of the twenty-first century and improve governmental public health system capacity in order to provide the equitable delivery of public health services across the state. Pursuant to 2009 Iowa Code Supplement chapter 135A, the Department has established an advisory council and evaluation committee to enhance the governmental public health system and evaluate progress towards the accreditation of local and state public health agencies.

Any interested person may make written comments or suggestions on the proposed rules on or before October 12, 2010. Such written comments should be directed to Joy Harris, Department of Public Health, Lucas State Office Building, 321 E. 12th Street, Des Moines, Iowa 50319. Comments may be sent by fax to (515)242-6013 or by E-mail to jharris@idph.state.ia.us.

These rules are intended to implement 2009 Iowa Code Supplement sections 135A.4 and 135A.5.

The following amendment is proposed.

Adopt the following new 641—Chapter 186:

CHAPTER 186

GOVERNMENTAL PUBLIC HEALTH ADVISORY BODIES

641—186.1(135A) Purpose. The governmental public health advisory council and the governmental public health evaluation committee shall advise the department regarding the coordination and implementation of the voluntary accreditation of designated local public health agencies and of the department and the evaluation of the accreditation program and governmental public health system.

641—186.2(135A) Definitions. For the purposes of this chapter, the following definitions apply:

“*Committee*” means the governmental public health evaluation committee as established in 2009 Iowa Code Supplement section 135A.5.

“*Council*” means the governmental public health advisory council as established in 2009 Iowa Code Supplement section 135A.4.

“*Department*” means the Iowa department of public health.

“*Designated local public health agency*” means an entity that is either governed by or contractually responsible to a local board of health and designated by the local board to comply with the Iowa public health standards for a jurisdiction.

“*Director*” means the director of the Iowa department of public health.

641—186.3(135A) Roles and responsibilities of advisory bodies. Two advisory bodies shall provide guidance to the department regarding the governmental public health system.

186.3(1) A governmental public health advisory council is established to advise the department and make policy recommendations to the department concerning administration, implementation, and coordination of 2009 Iowa Code Supplement chapter 135A and to make recommendations to the department regarding the governmental public health system.

186.3(2) The council shall annually provide a report to the department by July 1.

186.3(3) A governmental public health evaluation committee is established to develop and implement the evaluation of the governmental public health system and voluntary accreditation program as described in 2009 Iowa Code Supplement section 135A.5.

186.3(4) The committee shall annually provide a report to the department by July 1.

186.3(5) Recommendations from the council and committee shall be provided to the department director in writing. The department director may provide those recommendations to the state board of health.

186.3(6) Communication. The council and committee shall ensure communication between the two bodies by:

- a.* Providing regular updates to the other body through written reports at each meeting.
- b.* Stipulating that the chairperson and vice chairperson of the committee and council hold semiannual conference calls.
- c.* Meeting together at least biennially.
- d.* Responding to requests from one body to the other that shall be made in writing and appear in new business on the agenda of the next regularly scheduled meeting.

641—186.4(135A) Officers.

186.4(1) The officers of the council and committee shall be a chairperson and vice chairperson for each body.

- a.* The officers shall be elected at the first meeting each September.
- b.* Vacancy in the office of chairperson shall be filled by the vice chairperson.
- c.* Vacancy in the office of vice chairperson shall be filled by election at the next regularly scheduled meeting after the vacancy occurs.

186.4(2) Duties of officers.

- a.* The chairperson of the council shall preside at all meetings of the council, and the chairperson of the committee shall preside at all meetings of the committee.
- b.* Robert's Rules of Order shall govern all meetings.
- c.* If the chairperson is absent or unable to act, the vice chairperson shall perform the duties of the chairperson. When so acting, the vice chairperson shall have all the powers of and be subject to all the restrictions upon the chairperson.
- d.* The vice chairperson shall also perform such other duties as may be assigned by the chairperson.

641—186.5(135A) Members of advisory bodies.

186.5(1) The director, pursuant to 2009 Iowa Code Supplement sections 135A.4 and 135A.5, shall appoint members of the council and committee.

- a.* Members shall serve for a term of two years and may be reappointed for a maximum of three consecutive terms. Initial appointments shall be in staggered terms.
- b.* Vacancies shall be filled in the same manner in which the original appointments were made for the balance of the unexpired term.

186.5(2) A member's designee shall meet the same criteria for which the member was appointed. The member shall notify the department when the designee will be in attendance. The designee shall have voting rights.

186.5(3) Two consecutive unexcused absences of a member or designee shall be grounds for the director to consider dismissal of the council member or committee member and to appoint another. The department staff person assigned to the council or committee is charged with providing notification of absences to the director.

641—186.6(135A) Meetings. The council and committee shall each hold a meeting at least quarterly. Notice of routine meetings and agenda should be made available to the members a minimum of five working days prior to the meeting.

186.6(1) Persons wishing to submit materials for consideration by the council or committee should submit the materials electronically to the department at least 14 days in advance of the scheduled meeting to ensure that members have adequate time to review the materials.

186.6(2) Persons wishing to make a presentation to the council or committee shall submit the request to the department not less than 14 days prior to the meeting. Presentations upon matters appearing on the agenda may be made either at the discretion of the chairperson or the department.

186.6(3) All meetings are open to the public in accordance with the open meetings law, Iowa Code chapter 21.

186.6(4) The council or committee may conduct a meeting by electronic means pursuant to Iowa Code section 21.8.

186.6(5) A simple majority of appointed members shall be considered a quorum.

186.6(6) Any member or member's designee who is unable to attend a meeting shall notify the department at least 24 hours prior to the start of a regularly scheduled meeting; a meeting may be canceled if a quorum will not be present.

186.6(7) When a quorum is present, a position is carried by affirmative vote of the majority of those present.

186.6(8) Minutes. Minutes of all meetings showing the date, time, place, members present, members absent, and the general topics discussed shall be kept. The minutes shall reflect the actions agreed upon by the members for topics requiring the members' input or consensus.

641—186.7(135A) Conflict of interest. A conflict of interest exists when members of the council or committee participate in a way that directly affects the financial interests of the council or committee members.

186.7(1) To avoid conflict of interest issues, council or committee members who have a financial interest in an action must abstain from participating in the entire process including discussion and voting.

186.7(2) The council or committee members who have or think they may have a conflict of interest shall declare that there is or may be a conflict of interest and request a determination from the department.

186.7(3) If a conflict of interest is determined to exist, council or committee members shall abstain from voting and shall be recorded as abstaining when votes are taken.

641—186.8(135A) Subcommittees. The council and committee may designate one or more subcommittees to perform such duties as may be deemed necessary.

These rules are intended to implement 2009 Iowa Code Supplement sections 135A.4 and 135A.5.